

amendment, Senator Rod Johnson's amendment I believe, the last time we dealt with this bill which would have dedicated 2 percent of the gross proceeds from certain local option lotteries to the Thoroughbred Racing Assistance Fund and to supplement the persons for live thoroughbred racing and we felt that that might be suspect because of the fact that it applies only to those counties where you have a licensed racetrack, that's where you would have the local option lottery pay back the 2 percent. In essence, we would call this an excise tax and the concern is that it's applied to some but not to all evenly across the state, and so I talked to Senator Johnson and I've talked with Senator Hall and we've agreed that the best way to go would be to add the severability clause since we have no time to seek an Attorney General's Opinion on this and this would be the safe way to go. The other part I'll let Senator Hall explain.

PRESIDENT MOUL: Senator Hall.

SENATOR HALL: Madam President, members, I rise in support of the amendment that's offered by Senator Smith and myself. The severability clause is, I questioned whether it's necessary, but I think it's just prudent to put it in place. The other half of the amendment deals with the emergency clause. The bill as it currently exists, because some people came up to me and said, now what is in this bill now, Senator Hall? There really is nothing in the bill frankly. There's very little in there. It's a clarification of what the current statutes read with regard to video machines and their acceptance or ban, if you will in this case. There's the 2 percent horsemen fee that Senator Smith alluded to that was adopted earlier on Senator Johnson's amendment. There is the issue of the Omaha Royals in allowing the city to have the ability to purchase them, should they choose, and now there's Senator Lynch's amendment to it. I would urge adoption of this amendment which does nothing more than add the E clause and the severability clause.

PRESIDENT MOUL: Thank you, Senator Hall. Senator Rod Johnson.

SENATOR R. JOHNSON: Thank you, Madam President, my comments will be brief as well. I support the adding the severability clause. Obviously we did not wish by the adoption of my 2 percent amendment to this bill to jeopardize the constitutionality of other parts of the bill, so adding the severability clause I think is a wise decision. I don't know,